

SUPERIOR COURT
BARNSTABLE, SS

File 1

JAN 25 2019

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

BARNSTABLE SUPERIOR COURT Clerk
DOCKET NO: 1872CR00084

COMMONWEALTH

v.

THOMAS LATANOWICH

MOTION FOR A RULE 17 SUMMONS DUCES TECUM TO THE KEEPER OF
RECORDS OF THE CAPE COD TIMES AND/OR GATEHOUSE MEDIA, LLC.

Pursuant to Mass. R. Crim. P. 17(a)(2), the Defendant, Thomas Latanowich, moves the court to issue a summons duces tecum directing the Keeper of Records of the Cape Cod Times and/or GateHouse Media, LLC, 319 Main Street, Hyannis, MA 02601 to produce to the Criminal Clerk's Office of the Barnstable Superior Court, 3195 Main St., Route 6A, Barnstable, MA 02630 one complete copy of the following produced between the dates of April 12, 2018, to the present day:

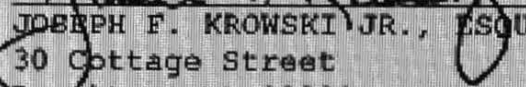
1. Copies of any articles, stories, opinion pieces, editorials, photographs, or images published by the Cape Cod Times, in print or online, regarding the incident of April 12, 2018, alleged to have occurred at 109 Blueberry Lane, Marstons Mills, MA.
2. Copies of any articles, stories, opinion pieces, editorials, photographs, or images published by the Cape Cod Times, in print or online, regarding the Defendant, Thomas Latanowich, or the decedent, Sgt. Sean Gannon.

3. Copies of any "letters to the editor" received by the Cape Cod Times and published, in print or online, regarding the alleged incident of April 12, 2018; the Defendant, Thomas Latanowich; or the decedent Sgt. Sean Gannon.
4. Regarding any articles, stories, opinion pieces, editorials, photographs, or images published by the Cape Cod Times online, copies of any and all of the comments sections corresponding to each posted article, story, opinion piece, editorial, photograph, or image.
5. Any and all records that document the daily circulation of the Cape Cod Times' printed newspaper for a period of time between April 12, 2018, to the present day; and
6. Any and all records that document the daily online viewing of the Cape Cod Times' website or social media sites for a period of time between April 12, 2018, to the present day.

As reasons therefor, pursuant to Rule 17 the records are 1.) relevant, material, potentially exculpatory; 2.) the records cannot be obtained without a court order; 3.) inspection of the records prior to trial will be a "real benefit to the defense" and are necessary to prepare for trial without unreasonable delay; and 4.) the requested materials are sought in "good faith." See Commonwealth v. Lampron, 441 Mass. 265, 269 (2004).

The Defendant herein incorporates by reference the attached
Affidavit of Counsel.

By his Attorney,


JOSEPH F. KROWSKI, JR., ESQUIRE
30 Cottage Street
Brockton, MA 02301
(508) 584-2555
BBO: 640902

Dated: January 7, 2019

mjc/filer/reviewed/last-reviewed: 1/10/2019 10:10:10 AM

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

BARNSTABLE SUPERIOR COURT
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v.

THOMAS LATANOWICH

ORDER

The Court hereby **ORDERS** that the Keeper of Records of the Cape Cod Times and/or GateHouse Media, LLC, 319 Main Street, Hyannis, MA 02601 shall produce to the Criminal Clerk's Office of the Barnstable Superior Court, 3195 Main St., Route 6A, Barnstable, MA 02630 the following produced between the dates of April 12, 2018, to the present day:

1. Copies of any articles, stories, opinion pieces, editorials, photographs, or images published by the Cape Cod Times, in print or online, regarding the incident of April 12, 2018, alleged to have occurred at 109 Blueberry Lane, Marstons Mills, MA.
2. Copies of any articles, stories, opinion pieces, editorials, photographs, or images published by the Cape Cod Times, in print or online, regarding the Defendant, Thomas Latanowich, or the decedent, Sgt. Sean Gannon.
3. Copies of any "letters to the editor" received by the Cape Cod Times and published, in print or online, regarding the alleged incident of April 12, 2018; the Defendant, Thomas Latanowich; or the decedent Sgt. Sean Gannon.

4. Regarding any articles, stories, opinion pieces, editorials, photographs, or images published by the Cape Cod Times online, copies of any and all of the comments sections corresponding to each posted article, story, opinion piece, editorial, photograph, or image.
5. Any and all records that document the daily circulation of the Cape Cod Times' printed newspaper for a period of time between April 12, 2018, to the present day; and
6. Any and all records that document the daily online viewing of the Cape Cod Times' website or social media sites for a period of time between April 12, 2018, to the present day.

Justice,
Barnstable Superior Court

Date: